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JUN 14 1993

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

ERIC R. HILDING

JUDY YEP HUGHES

For Construction Permit for a
New FM Station on Channel 281A
in Windsor, California

To: Honorable Richard L. Sippel
Administrative Law Judge

MM DOCKET NO. 93-95

File No. BPH-911115MR

File No. BPH-911115MT

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**REQUEST FOR PERMISSION TO FILE
AND
MOTION FOR SUMMARY DECISION**

Eric R. Hilding herein tenders his consolidated request
and motion in this matter pursuant to Section 1.251(a)(1).

1. The issues involved in this proceeding were set forth
to be:

a. To determine which of the proposals would, on a
comparative basis, better serve the public
interest.

b. To determine, in light of the evidence adduced
pursuant to the specified issues, which of the
applications should be granted if any.

3. Based upon the foregoing, it does not take any type of rocket scientist or nuclear physicist to reach a conclusion in this hearing based upon the infamous "Policy". In simple consideration of the evidence adduced pursuant to the declared Standardized Integration Statements of the two applicants to this proceeding, the outcome of a straightforward current policy "comparative basis" analysis would seem to be: 2/

COMPARATIVE BASIS

	<u>HILDING</u>	<u>HUGHES</u>
A. "Minority" Preference	No	Yes
B. Local Residence/Service Area	No	Yes
C. Civic Involvement in the Community or Service Area	No	Yes
D. Broadcast Experience	Yes	No
E. "Daytimer" Preference	No	No

4. Assuming that Hughes is a bona fide applicant (and not a sham "front"), there appears to be no genuine issue of material fact for determination at the hearing. 3/

2/ Hilding does not, however, relinquish his belief and rights to disagree with what he believes to be a patent unfairness of the Policy for reasons already expressed in this proceeding. Rather, he is simply accepting current reality based upon the ruling of the Presiding Officer at the Prehearing Conference.

3/ For the reasons set forth herein, any continuance of the existing processes would simply cause unnecessary expense to all of the applicants. In view of Hilding's business and civic organization commitment responsibilities during this period, prolonging what is clearly a losing battle in this policy forum can not justify the time consuming burdens and hardship imposed.

5. A Summary Decision in this proceeding is consistent with the public interest, convenience and necessity as well as the Commission's expressed mandate to "expedite" new broadcast service to the public, because such action will:

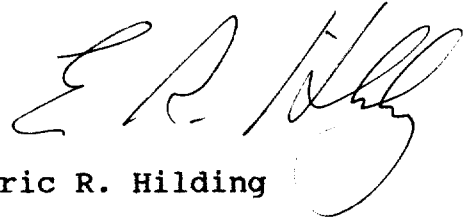
- a. Save the taxpayers money by reducing continued administrative burden at the Commission in this particular designated hearing matter.
- b. Expedite a decision in this proceeding, and accordingly provide for the ultimate expediting of the new FM service to the public.
- c. Additionally shorten the length of time, and reduce any unnecessary delays involved with, any future forum processes for which Hilding has clearly been informed are the only possible sources of administrative relief for the denied

7. For the reasons rationally set forth herein, there is extremely good cause for the requested action. A Summary Decision will not require an enlargement of issues or the addition of new parties to the proceeding. Hilding therefore requests that the Presiding Officer act promptly. 6/ 2/

DECLARATION UNDER PENALTY OF PERJURY

Eric R. Hilding declares under penalty of perjury that the foregoing is true and correct to the best of both his personal knowledge and/or understanding.

Respectfully submitted,



Eric R. Hilding

w/Certificate of Service

Eric R. Hilding
P.O. Box 1700
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Tel: (408)778-0900

Date: June 12, 1993

6/ Hilding does request, if permitted by applicable rules, that he be permitted to provide, as a supplement, a "proffer" not to exceed seven (7) pages in length.

CERTIFICATE OF SERVICE

I, Eric R. Hilding, under penalty of perjury, hereby declare that a copy of this "MOTION FOR SUMMARY DECISION" has been sent via First Class Mail, U.S. postage prepaid, today, June 12, 1993, to the following: (*)

Honorable Richard L. Sippel (**)
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 214
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- Counsel for Judy Yep Hughes

Eric R. Hilding
Eric R. Hilding

- (*) Original filing via Federal Express
- (**) Courtesy copy via Federal Express
- (***) Envelope included in FCC F/E Package